

Order

Entered: February 3, 1994

89-37

Michigan Supreme Court
Lansing, Michigan

Michael F. Cavanagh
Chief Justice

Charles C. Levin
James H. Brickley
Patricia J. Boyle
Dorothy Comstock Riley
Robert P. Griffin
Conrad L. Mallett, Jr.
Associate Justices

Administrative Order 1994-2

Facsimile and Communication Equipment for the Filing and Transmission of Court Documents

Until further order of the Court, the State Court Administrative Office may authorize courts to use facsimile communication equipment for the transmission and filing of court documents.

The State Court Administrative Office shall provide assistance in the implementation of the use of facsimile equipment for the filing and transmission of court documents for those courts electing to participate. Participating courts shall cooperate with the State Court Administrative Office and provide information regarding the use of facsimile equipment for the filing and transmission of court documents.

The previous authorizations by this Court and by the State Court Administrator pursuant to Administrative Order 1990-9, are continued until further order of this Court or the State Court Administrator.

The following experimental court rules shall govern the participating courts:

- (A) **Facsimile Communication Equipment.** Courts, by local court rules established pursuant to MCR 8.112(A), may permit the filing of 8 ½" x 11" pleadings, motions, affidavits, opinions, orders, or other documents by the use of facsimile (FAX) communication equipment. Except as provided by MCR 2.002, a clerk shall not permit the filing of any document for which a filing fee is required unless the full amount of the filing fee is paid or deposited in advance with the clerk. Documents intended to be filed in any court shall be on paper not subject to more rapid deterioration than ordinary typewritten material on ordinary paper.
- (B) The local court rule established pursuant to MCR 8.112(A) shall establish for facsimile filing of documents with the court by the public:

- (1) a reasonable fee, in addition to statutory filing fees, to be charged by the clerk, which may take into account the cost of equipment, paper, supplies and telephone line charges;
 - (2) a maximum number of pages which may be sent at one time for any document or documents;
 - (3) the hours during which documents may be received;
 - (4) other reasonable requirements to promote the efficient filing of facsimile documents;
 - (5) the method of giving notice to attorneys and litigants of any facsimile filing requirements.
- (C) **Signature.** For purposes of MCR 2.114, a signature includes a signature transmitted by facsimile communication equipment.
- (D) **Warrants.** Facsimile communication equipment and voice communication equipment may be used as provided for in 1990 PA 41, 43, 44, and 45.

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I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of Court.

February 3, 1994

Corbin R. Davis

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Clerk

